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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

**MEMORANDUM IN SUPPORT OF MOTION TO COMPEL  
ANSWERS TO INTERROGATORIES AND REQUEST FOR PRODUCTION**

In its order dated 20 June 2006 (Docket 228), this Court concluded that plaintiff is entitled to discovery regarding defendant's wealth. (Docket 228, p. 9). Josef Boehm continues to refuse to answer any discovery; in fact, he just refuses to cooperate in any discovery. In addition to the discovery denied pending decision on the motion for summary judgment (Docket 116; 199), plaintiff submitted additional discovery to the defendant. Exhibit 1. After this Court entered its 20 June 2006 order, plaintiff notified opposing counsel that the discovery needed to be answered. Exhibit 2. Plaintiff received no response from the defendant's counsel.

As this Court has correctly determined, punitive damages are available in a federal cause of action against an individual who engaged in intentional conduct warranting an award of such

damages. See Carroll v. Bristol Twp., 827 F. Supp. 332, 335 (E.D. Pa. 1993) (citing City of Newport, 453 U.S. 247 at 267, 101 S. Ct. 2748, 69 L. Ed. 2d 616); see also Carey v. Piphus, 435 U.S. 247, 55 L. Ed. 2d 252, 98 S. Ct. 1042 (1978). Enticing a child to engage in sexual acts is outrageous conduct as a matter of law. Angie M. v. Superior Court, 44 Cal. Rptr. 2d 197, 204 (Calif. App. 4<sup>th</sup> 1995).

Because this Court has already determined liability, and already determined that Boehm must produce his financial information; he should now be specifically ordered to answer plaintiff's discovery and warned that severe sanctions may result from a failure to do so.

DATED this 28<sup>th</sup> day of June 2007.

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